

receive assistance under this Act for a period determined by the Under Secretary, consistent with the considerations under section 180.865 of title 2, Code of Federal Regulations (or any successor regulation), beginning on the date on which the Under Secretary makes the applicable finding.

(b) **USE OF PROPERTY.**—

(1) **IN GENERAL.**—Subject to paragraph (2), in carrying out this division, the Under Secretary may, without cost (except for costs of care and handling), allow any public sector entity, or any recipient nonprofit organization, for the purpose of the development of minority business enterprises, to use any real or tangible personal property acquired by the Agency in carrying out this division.

(2) **TERMS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS.**—The Under Secretary may impose reasonable terms, conditions, reservations, and restrictions upon the use of any property under paragraph (1).

SEC. 702. FEDERAL ASSISTANCE.

(a) **IN GENERAL.**—

(1) **PROVISION OF FEDERAL ASSISTANCE.**—To carry out sections 101, 102, and 103(a), the Under Secretary may provide Federal assistance to public sector entities and private sector entities in the form of grants or cooperative agreements.

(2) **NOTICE.**—Not later than 120 days after the date on which amounts are appropriated to carry out this section, the Under Secretary shall, in accordance with subsection (b), broadly publish a statement regarding Federal assistance that will, or may, be provided under paragraph (1) during the fiscal year for which those amounts are appropriated, including—

(A) the actual, or anticipated, amount of Federal assistance that will, or may, be made available;

(B) the types of Federal assistance that will, or may, be made available;

(C) the manner in which Federal assistance will be allocated among public sector entities and private sector entities, as applicable; and

(D) the methodology used by the Under Secretary to make allocations under subparagraph (C).

(3) **CONSULTATION.**—The Under Secretary shall consult with public sector entities and private sector entities, as applicable, in deciding the amounts and types of Federal assistance to make available under paragraph (1).

(b) **PUBLICITY.**—In carrying out this section, the Under Secretary shall broadly publicize all opportunities for Federal assistance available under this section, including through the means required under section 116.

SEC. 703. RECORDKEEPING.

(a) **IN GENERAL.**—Each recipient of assistance under this division shall keep such records as the Under Secretary shall prescribe, including records that fully disclose, with respect to the assistance received by the recipient under this division—

(1) the amount and nature of that assistance;

(2) the disposition by the recipient of the proceeds of that assistance;

(3) the total cost of the undertaking for which the assistance is given or used;

(4) the amount and nature of the portion of the cost of the undertaking described in paragraph (3) that is supplied by a source other than the Agency;

(5) the return on investment, as defined by the Under Secretary; and

(6) any other record that will facilitate an effective audit with respect to the assistance.

(b) **ACCESS BY GOVERNMENT OFFICIALS.**—The Under Secretary, the Inspector General

of the Department of Commerce, and the Comptroller General of the United States, or any duly authorized representative of any such individual, shall have access, for the purpose of audit, investigation, and examination, to any book, document, paper, record, or other material of the Agency or an MBDA Business Center.

SEC. 704. REVIEW AND REPORT BY COMPTROLLER GENERAL.

Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a thorough review of the programs carried out under this division; and

(2) submit to Congress a detailed report of the findings of the Comptroller General of the United States under the review carried out under paragraph (1), which shall include—

(A) an evaluation of the effectiveness of the programs in achieving the purposes of this division;

(B) a description of any failure by any recipient of assistance under this division to comply with the requirements under this division; and

(C) recommendations for any legislative or administrative action that should be taken to improve the achievement of the purposes of this division.

SEC. 705. BIENNIAL REPORTS; RECOMMENDATIONS.

(a) **BIENNIAL REPORT.**—Not later than 1 year after the date of enactment of this Act, and 90 days after the last day of each odd-numbered year thereafter, the Under Secretary shall submit to Congress, and publish on the website of the Agency, a report of each activity of the Agency carried out under this division during the period covered by the report.

(b) **RECOMMENDATIONS.**—The Under Secretary shall periodically submit to Congress and the President recommendations for legislation or other actions that the Under Secretary determines to be necessary or appropriate to promote the purposes of this division.

SEC. 706. SEPARABILITY.

If a provision of this division, or the application of a provision of this division to any person or circumstance, is held by a court of competent jurisdiction to be invalid, that judgment—

(1) shall not affect, impair, or invalidate—

(A) any other provision of this division; or

(B) the application of this division to any other person or circumstance; and

(2) shall be confined in its operation to—

(A) the provision of this division with respect to which the judgment is rendered; or

(B) the application of the provision of this division to each person or circumstance directly involved in the controversy in which the judgment is rendered.

SEC. 707. EXECUTIVE ORDER 11625.

The powers and duties of the Agency shall be determined—

(1) in accordance with this division and the requirements of this division; and

(2) without regard to Executive Order 11625 (36 Fed. Reg. 19967; relating to prescribing additional arrangements for developing and coordinating a national program for minority business enterprise).

SEC. 708. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Under Secretary \$110,000,000 for each of fiscal years 2021 through 2025 to carry out this division, of which—

(1) a majority shall be used in each such fiscal year to carry out the MBDA Business Center Program under subtitle B of title I, including the component of that program relating to specialty centers; and

(2) \$20,000,000 shall be used in each such fiscal year to carry out title III.

SA 2479. Mrs. MURRAY (for herself, Mr. DURBIN, Mrs. FEINSTEIN, Mr. PADILLA, Ms. CANTWELL, and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2687, line 22, insert “*Provided further*, That, from funds made available under this heading in this Act, the Secretary shall provide an additional 23 percent of total project costs for any project described in subsection (d) or (e) of section 5309 of title 49, United States Code, that has a Full Funding Grant Agreement that was entered into under such subsection (d) or (e) on or after January 1, 2017, and that has received an allocation of funding in any of fiscal years 2019, 2020, and 2021:” after “fiscal year 2023:”

SA 2480. Mr. LANKFORD (for Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, line 12, insert “, and including a project authorized by Congress to be carried out by the Secretary of the Army” after “corridor”.

On page 124, line 16, insert “, and including a project authorized by Congress to be carried out by the Secretary of the Army” after “crossing”.

On page 126, line 21, insert “, and including a project authorized by Congress to be carried out by the Secretary of the Army” after “crossing”.

On page 222, between lines 2 and 3, insert the following:

SEC. 11136. PAYMENTS ON FEDERAL-AID PROJECTS UNDERTAKEN BY A FEDERAL AGENCY.

Section 132 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(B) in the matter preceding subparagraph (A) (as so redesignated), by striking the subsection designation and heading and all that follows through “In a case” and inserting the following:

“(a) **PROJECTS UNDERTAKEN BY A FEDERAL AGENCY.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), in a case”;

(C) by adding at the end the following:

“(2) **CERTAIN PROJECTS UNDERTAKEN BY THE SECRETARY OF THE ARMY.**—

“(A) **IN GENERAL.**—Subject to subparagraphs (B) through (D), in a case in which a proposed project described in paragraph (10)

or (11) of section 149(b), clause (iii) or (iv) of section 167(h)(5)(B), or clause (vii) or (viii) of section 117(d)(1)(A) is to be undertaken by the Secretary of the Army in accordance with an agreement between a State and the Secretary of the Army, the State may—

“(i) direct the Secretary to transfer funds for the Federal share of the project directly to the Secretary of the Army; or

“(ii) make such deposit with, or payment to, the Secretary of the Army as is required to meet the obligation of the State under the agreement for the work undertaken or to be undertaken by the Secretary of the Army for the non-Federal share of the project.

“(B) ADMINISTRATION OF FUNDS.—Amounts transferred under subparagraph (A)(i) or deposited or paid under subparagraph (A)(ii)—

“(i) shall not be subject to the provisions of this title (other than this section); and

“(ii) shall be administered by the Secretary of the Army in accordance with the Water Resources Development Act of 1986 (33 U.S.C. 2201 et seq.).

“(C) FEDERAL AND NON-FEDERAL SHARE.—Notwithstanding section 120, funds transferred under subparagraph (A)(i) or deposited or paid under subparagraph (A)(ii) to the Secretary of the Army may be accepted and expended by the Secretary of the Army for the Federal and non-Federal share, respectively, of a project described in subparagraph (A).

“(D) SUPPLEMENT; NOT SUPPLANT.—Amounts transferred under subparagraph (A) shall supplement, and not supplant, funds otherwise made available to the Secretary of the Army.

“(E) MODERNIZATION ACTIVITIES.—Amounts that are transferred under subparagraph (A)(i) or deposited or paid under subparagraph (A)(ii) to the Secretary of the Army for a project involving modernization activities under section 159 of the Water Resources Development Act of 2020 (Public Law 116-260) shall not be eligible for reimbursement by the Secretary of the Army to the Secretary or to the State, respectively, to the extent such amounts are obligated by the Secretary of the Army for such project.”; and

(2) in subsection (b)—
(A) by striking “described in subsection (a)” and inserting “described in paragraph (1) or (2) of subsection (a)”; and

(B) by striking “under subsection (a)(2)” and inserting “under paragraph (1)(B) or (2)(A)(ii) of subsection (a)”.

SA 2481. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2700, strike line 17 and all that follows through page 2702, line 3.

SA 2482. Mr. WICKER (for himself and Mr. WARNOCK) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and

transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division B, add the following:

SEC. 270 . WILLIAM T. COLEMAN, JR., FEDERAL BUILDING.

(a) IN GENERAL.—The headquarters building of the Department located at 1200 New Jersey Avenue, SE, in Washington, DC, shall be known and designated as the “William T. Coleman, Jr., Federal Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the “William T. Coleman, Jr., Federal Building”.

SA 2483. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40701 of division D, strike subsection (c) and insert the following:

(c) COVERED ACTIVITIES.—

(1) IN GENERAL.—Grants under subsection (b)(1) shall only be used for activities described in—

(A) section 402(g)(6) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(6));

(B) subsections (a) and (b) of section 403 of that Act (30 U.S.C. 1233);

(C) section 410 of that Act (30 U.S.C. 1240); or

(D) section 413(d) of that Act (30 U.S.C. 1242(d)).

(2) APPLICATION OF CERTAIN REQUIREMENTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, grants under subsection (b)(1) may be used for activities described in subparagraphs (A) and (D) of paragraph (1) without regard to whether the site of the activities is adjacent to a site that has been or will be reclaimed under paragraph (1) or (2) of section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)).

(B) ACID MINE DRAINAGE ABATEMENT AND TREATMENT.—Funds from a grant under subsection (b)(1) may be used for activities described in section 402(g)(6) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(6)) without regard to whether the activities are carried out within a qualified hydrologic unit (as defined in section 402(g)(6)(B) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(6)(B))).

SA 2484. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV of division B, add the following:

SEC. 241 . SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS.

Section 163(e) of title 23, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) FISCAL YEAR 2022 AND THEREAFTER.—

“(A) RESERVATION OF FUNDS.—Beginning on October 1, 2021, no amounts apportioned to a State under paragraphs (1) or (2) of section 104(b) may be spent in sanctuary jurisdictions.

“(B) DEFINITION OF SANCTUARY JURISDICTION.—

“(i) IN GENERAL.—Except as provided under subparagraph (ii), for purposes of this paragraph, the term ‘sanctuary jurisdiction’ means any State or political subdivision of a State that has in effect a statute, ordinance, policy, or practice that prohibits or restricts any government entity or official from—

“(I) sending, receiving, maintaining, or exchanging with any Federal, State, or local government entity information regarding the citizenship or immigration status (lawful or unlawful) of an individual who is convicted of violating laws that prohibit the operation of motor vehicles by intoxicated persons; or

“(II) complying with a request lawfully made by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) to comply with a detainer for, or notify about the release of, an individual who is convicted of violating laws that prohibit the operation of motor vehicles by intoxicated persons.

“(ii) EXCEPTION.—A State or political subdivision of a State shall not be deemed a sanctuary jurisdiction based solely on the State or political subdivision having a policy under which officials of the State or political subdivision will not share information regarding, or comply with a request made by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) to comply with a detainer regarding, an individual who comes forward as a victim or a witness to a criminal offense.”.

SA 2485. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION K—PROHIBITION ON USE OF FUNDS

SEC. . 01. PROHIBITION ON USE OF FUNDS.

No funds made available under this Act or an amendment made by this Act may be used for the Civilian Climate Corps established pursuant to Executive Order 14008 (86 Fed. Reg. 7619 (February 1, 2021); relating to tackling the climate crisis at home and abroad).

SA 2486. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself,